



MITT ROMNEY  
GOVERNOR

KERRY HEALEY  
LT. GOVERNOR

EDWARD A. FLYNN  
SECRETARY

*The Commonwealth of Massachusetts  
Executive Office of Public Safety  
Department of Fire Services*

*P.O. Box 1025 ~ State Road*

*Stow, Massachusetts 01775*

*(978) 567~3100 Fax: (978) 567~3121*



STEPHEN D. COAN  
STATE FIRE MARSHAL

THOMAS P. LEONARD  
DEPUTY STATE FIRE MARSHAL

February 15, 2006

Timothee Rodrique, Director  
Office of the State Fire Marshal  
Department of Fire Services  
P.O. Box 1025, State Road  
Stow, MA. 01775

RE: Request for an advisory opinion regarding the definition of the word "near" as it relates to the placement of the grounding requirements of concrete electrodes pursuant to 527 CMR 12.00, 250.52 A (3).


Dear Mr. Rodrique:

The Board of Fire Prevention Regulations has reviewed your request for an interpretation regarding the definition of the word "near" as it relates to the placement of concrete electrodes pursuant to 527 CMR 12.00, 250.52 A (3). The Board has instructed me to communicate the following answer to your question:

The provisions of 250.52 A(3) states, in relevant part: "an electrode encased by at least 50 mm (2") of concrete, located within and "near" the bottom of a concrete foundation or footing that is in direct contact with the earth.... shall be permitted to be bonded together by the usual steel tie wires or other effective means.

The Board notes that there is no definition of the term "near" within the NFPA 70 document. Absent such a definition, the Board will take a common sense approach to this issue. It is the opinion of the Board of Fire Prevention Regulations, after considering relevant factors, that the word "near" as applied to this placement requirement should be interpreted to be within the lower 1/3 of the foundation as measured from the bottom of the footing, or if there is no footing, the bottom of the foundation wall.

Sincerely,

  
Peter A. Senopoulos  
Legal Counsel  
Board of Fire Prevention Regulations